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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Written statement submitted by the Nord-Sud XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 April 1998]

1. The demand of the international community, and in particular the United Nations, concerning the respect of the individual rights of persons who belong to national, ethnic, religious or linguistic minorities or indigenous peoples, follows from the principle that guaranteeing the exercise of such rights is consubstantial with the recognition of the collective rights of indigenous peoples.

2. The traditional discrimination suffered by the Chiapas indigenous communities - which led to the 1994 Zapatista revolt - results in the precarious situation of their members' individual rights. The elimination of such discrimination requires compliance with the agreements signed on 16 February 1996 in San Andrés Sacamch'en de los Pobres (Chiapas) between the Federal Government of Mexico and the Zapatista National Liberation Army (Ejército Zapatista de Liberación Nacional, or EZLN), agreements that imply acceptance of the principle of indigenous peoples' self-determination, and its implementation in the normative development of the principle of the autonomy of indigenous communities. In such a context emerged a new legal framework characterized by the following:

(a) Political rights, especially manifest in the recognition of indigenous peoples' own governments and forms of election of authorities, as well as of their own forms of administering justice, resolving conflicts and practising their own normative systems;

(b) Social rights, including not only the minimal rights to assistance, but also the possibility of choosing one's forms of social organization;

(c) Economic rights, related to the decision-making capacity in the realm of the organization of work, the use of resources and the encouragement of production, employment and the satisfaction of basic needs;

(d) Cultural rights guaranteeing the respect of local cultures.

3. Such is the basic framework of the joint proposals that both parties committed themselves to submitting to the legislative chambers so that they would lead to the relevant legislative and constitutional reforms.

4. While this process is paralysed by the Government's rejection of the constitutional reform initiative of the COCOPA (Comisión de Concordia y Pacificación, an organ that includes all the political forces represented in the Mexican parliament, and which elaborated the reform initiative), the human rights situation in the Chiapas indigenous communities is not merely weak, but has entered a worrisome phase of deterioration. According to testimonies gathered by the International Civil Commission for the Observation of Human Rights, the massive presence of the army in the conflict zone generates a situation of tension, insecurity and fear that threatens to generalize violence. Moreover, the existence and proliferation of paramilitary groups in the area is causing, in addition to an increase in insecurity and tension, the displacement of thousands of persons, with all the human drama that implies.

5. While waiting for more detailed information and for the conclusions that will be presented in the Civil Commission's report on the situation of human rights in Chiapas (which will be made public internationally on 18 March), we can indicate the main concerns relative to that situation:

(a) Right to life: considerably deteriorated; threats and killings, which often go unpunished, are current;

(b) Right to personal integrity: also deteriorated; there have been threats and aggressions, including by members of the army and public security forces;

(c) Right to personal freedom: the institutionally acknowledged existence of political prisoners, and the circumstances in which they are detained, clearly points to serious violations of this right;

(d) Right to the freedom of conscience: the aforementioned existence of political prisoners demonstrates the weakness of this right. To this should be added the threats and aggressions suffered by peasant and indigenous leaders because of their political activities;

(e) Right freely to move and settle: limited by the abundant presence of numerous military and police posts, and by the action of paramilitary groups. The existence of entire displaced communities is ample proof of this limitation;

(f) Right to have access to the justice system: there is a generalized mistrust of public organisms, particularly legal institutions. Widespread impunity is a serious concern. Members of local communities do not even bother denouncing the violations of their rights;

(g) Right to political participation: the lack of connection between the structures of political participation in Mexico, and the traditionally weak participative structure at the national level impede the effective political participation of the members of indigenous communities;

(h) Right to health, education, and housing: these are social rights that are virtually non-existent in practice. Many local communities refuse the little aid that is offered by the Government, usually through the army. In most cases, there is no help for displaced populations;

(i) Right to individual dignity: as a consequence of the situations described, individual dignity is seriously affected.

6. The human rights situation in the State of Chiapas has not emerged all of a sudden, but results from an accumulation of circumstances, some remote, others much more recent. From this point of view, it is particularly important to recall the events of Acteal and their consequences. More generally, the International Civil Commission for the Observation of Human

Rights has been able to gather testimonies and opinions on the Chiapas conflict and on the impossibility of carrying out a dialogue in a framework of confrontation of basically economic interests. The implementation of the indigenous community's rights as recognized in the San Andrés agreements is incompatible with the Mexican Government's plans for the area's economic development as envisaged in the framework of the processes of economic globalization in which the Mexican Republic is involved, particularly since the signature of such treaties as the Free Trade Agreement.